IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.3364 OF 2007

Dhananjay Dinkar Patil ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr A. P. Mundargi with Ganesh Gole, Advocate for the Applicant.

Ms S. D. Shinde, A.P.P for the respondent.

CORAM: V.C. DAGA,J.
DATED: 30.10.2007.

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused the application and the material available on record.

3. The applicant-accused in C.R.No 132 of 2007 registered with Tembhurni Police Station, District Sholapur for the offence under Sections 498-A, 323, 302, 323, 504 read with Section 34 of the I.P.C. is seeking anticipatory bail under Section 438 of the Cr.P.C.

4. According to the prosecution, material available on record shows that death of Sonali Patil was not an accidental death but the same was homicidal death. In her first dying declaration story of accidental fire is mentioned. Deceased has stated in the said dying declaration that shore of her saree was

caught by fire while preparing tea on gas burshan. Whereas, her dying declaration dated 20-8-2007 has clearly implicated applicant-accused. It further shows that she was first beaten by her family members, including applicant and thereafter, sister-in-law and mother-in-law poured kerosene on her person and set her on fire. That is how, the complaint has been filed against the applicant and the other members of the family.

5. Learned counsel appearing for the State submits that the incidence of burning did not take place in the kitchen but it took place in the bed room which according to him, is clear from the spot panchnama. He has also pointed out earlier complaint to the police by the deceased making allegations of illtreatment against the applicant and other family members.

6. The material available on record certainly implicates the present applicant which needs to be investigated. It is not that applicant has been falsely implicated. In my view, this is not the fit case for grant of anticipatory bail.

7. For the reasons recorded herein as well as for the reasons recorded in the order by the learned Additional Sessions Judge,Sholapur in Bail Application

No. 961 of 2007; while rejecting bail application, the present application stands rejected.

8. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C.DAGA,J)